

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

LOUIS ORTEGA,

Defendants.

**8:16CR77**

**ORDER**

Defendant was scheduled to enter a plea of guilty on February 17, 2017. He now wishes to go to trial, and has orally moved to re-schedule this case for trial. Counsel must now prepare for trial, and defendant is entering treatment and wishes to fully engage in his treatment program without the interruption necessitated by trial proceedings. Accordingly,

IT IS ORDERED:

- 1) Defendant's motion to set this case for trial, (Filing No. 94), is granted.
- 2) Trial of this case is set to commence before the Honorable John M. Gerrard, United States District Judge, in the Special Proceedings Courtroom of the United States Courthouse, Omaha, Nebraska, at 9:00 a.m. on April 24, 2017, or as soon thereafter as the case may be called, for a duration of three (3) trial days. Jury selection will be held at commencement of trial.
- 3) Based upon the representations of counsel, the parties need to re-direct their attention from plea negotiations to securing and coordinating witnesses and evidence for trial, and the defendant needs time to engage in treatment and assist his counsel in trial preparations. As such, the court finds that the ends of justice will be served by setting a trial beyond the limits of the Speedy Trial Act, and the purposes served by setting an April 24, 2017 trial date outweigh the interest of the defendant and the public in a speedy trial. Accordingly, the time between February 17, 2017 and April 24, 2017 shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because although counsel have been duly diligent, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1) & (h)(7). Failing to timely object to this order as provided under the court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

February 18, 2017.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge